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10/065,285	09/30/2002	John F. Braun	F-560	5700

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
P.O. BOX 3000
MSC 26-22
SHELTON, CT 06484-8000

EXAMINER

SCHAFFER, JONATHAN C

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/065,285

Applicant(s)

BRAUN ET AL.

Examiner

Jonathan C. Schaffer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15, 17 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's response to the last Office Action, filed 01/31/2007, has been entered and made of record.
2. Applicant has amended claims 1, 7 and 9. Claims 6, 16 and 18-19 have been canceled. Claims 21-24 have been added. Claims 1-5, 7-15, 17 and 20-24 are currently pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-5, 7-15, 17 and 20-24 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 9, 17, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Carini et al. (U.S. Patent Number 6,456,740).

1. A method for processing form input data comprising:

capturing user stroke data from a form including strokes made by a user with a pointing device by tracing over at least one form identifier character that is pre-printed on the form;

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Carini discloses a system in which the user's stroke data is captured and used to identify the form from a plurality of other forms (col. 2, l. 14-25). Carini further disclose tracing over at least one form identifier character that is pre-printed on the form (col. 7, l. 26-28 & Fig. 6A).

processing the strokes in order to determine form identification data;

(col. 2, l. 30-33)

receiving user identification data;

Carini discloses receiving data which identifies individuals, or groups of individuals, or organizations all of which constitute user identification data (col. 7, l. 45-59 & Fig. 6C).

retrieving a form template using the form identification data;

(col. 2, l. 51-61)

determining if the user is authorized to use the form template; and

Carini discloses customized forms which can only be used by users with the correct identification number (col. 9, l. 51-54 & Fig. 6C)

processing the form input data using the form template if the user is authorized to use the form template.

(col. 2, l. 17 & col. 7, l. 26-28 & col. 7, l. 45-59 & col. 9, l. 51-54 & Fig. 6A & Fig. 6C)

9. A system for processing form input data comprising:

a processor;

(col. 4, l. 8-23)

a storage device connected to the processor;

(col. 4, l. 1-7)

the storage device storing a logic program;

(col. 4, l. 1-23)

the processor operative with the logic program to perform:

(col. 4, l. 8-23)

capturing user stroke data relating to strokes made by a user with a pointing device corresponding to at least one form identifier character that is pre-printed on the form;

Carini discloses a system in which the user's stroke data is captured and used to identify the form from a plurality of other forms (col. 2, l. 14-25). Carini further disclose tracing over at least one form identifier character that is pre-printed on the form (col. 7, l. 26-28 & Fig. 6A).

processing the strokes in order to determine form identification data;

(col. 2, l. 30-33)

receiving user identification data;

Carini discloses receiving data which identifies individuals, or groups of individuals, or organizations all of which constitute user identification data (col. 7, l. 45-59 & Fig. 6C).

retrieving a form template using the form identification data;

(col. 2, l. 51-61)

determining if the user is authorized to use the form template; and

Carini discloses customized forms which can only be used by users with the correct identification number (col. 9, l. 51-54 & Fig. 6C)

processing the form input data using the form template if the user is authorized to use the form template.

(col. 2, l. 17 & col. 7, l. 26-28 & col. 7, l. 45-59 & col. 9, l. 51-54 & Fig. 6A & Fig. 6C)

17. The method of claim 1 further comprising:

processing the strokes in order to determine a unique instance data identifier for the particular form.

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(col. 4, l. 8-23)

20. The system of claim 9 further comprising the processor operative with the logic program to perform:

processing the strokes in order to determine a unique instance data identifier for the particular form, and wherein the character set includes non-alphanumeric characters.

(col. 2, l. 34-61 & col. 6, l. 20-23)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-8, 10-15 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carini et al. (U.S. Patent Number 6,456,740) as applied to claims 1 and 9 above, and further in view of Mattaway et al. (U.S. Patent Number 6,618,040).

2. The method of claim 1 wherein the pointing instrument is a digital pen and strokes are provided by the user writing on a paper form.

Carini discloses the recording of electronic stroke data, which is indicative of a digital pen device (col. 2, l. 18-20) but does not explicitly state an electronic pen. Mattaway however does in fact disclose an electronic pen (8) used to capture the stroke data made on a piece of paper (Fig. 2). It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Mattaway with the teachings of Carini and use the electronic pen or digital pen to capture the electronic or digital

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stroke data because it is one of the most simple and effective ways to do so and is exceedingly well known in the art.

3. The method of claim 2 further comprising:

processing a pre-determined portion of the stroke data corresponding to at least one control string character to determine the form identification data; and

Carini discloses at least one control string character (col. 2, l. 34-61 & col. 6, l. 32-33).

receiving user pen stroke data from at least one data field of the form before processing the strokes in order to determine the form identification data.

Carini (col. 2, l. 34-61).

4. The method of claim 2 wherein:

processing stroke data that satisfies pre-determined criteria to determine the form identification data.

Carini discloses processing stroke data that satisfies pre-determined criteria to determine the form identification data (col. 2, l. 34-61).

5. The method of claim 4 wherein:

the pre-determined criteria includes font criteria.

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Carini discloses the height of a character as an aspect of the pre-determined criteria which would constitute font data (col. 6, l. 34).

6. The method of claim 3 wherein:

the pre-determined portion of the stroke data is related to a pre-determined physical portion of the form.

Carini (col. 2, l. 34-61 & col. 6, l. 33-34)

7. The method of claim 2 wherein the form identification data includes a form serial number printed on the form, wherein the form serial number identifies a particular instance of a use of a form.

Carini (col. 7, l. 26-28) furthermore serial numbers are exceedingly well known to be used as unique identifiers, the Examiner is taking official notice that it would have been obvious to one of ordinary skill in the art to which the Applicant's claimed invention pertains to use the serial number disclosed by Carini to identify particular instances of a use of a form.

8. The method of claim 7 wherein the form serial number printed on the form includes a dashed font

Carini discloses the use of a form identification serial number but does not specifically disclose the serial number including a dashed font. Official Notice is being taken that it is old and well known in the art to dash a character to indicate that it is to be traced (MPEP 2144.03). It would have been obvious at the time the invention was made to one of ordinary skill in the art to utilize Carini's form identification serial

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numbers with the obvious addition of making the serial numbers on the forms a dashed font in order to indicate what should be traced over by the user.

10. The system of claim 9 wherein the pointing instrument is a digital pen and strokes are provided by the user writing on a paper form.

Carini discloses the recording of electronic stroke data, which is indicative of a digital pen device (col. 2, l. 18-20) but does not explicitly state an electronic pen. Mattaway however does in fact disclose an electronic pen (8) used to capture the stroke data made on a piece of paper (Fig .2). It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Mattaway with the teachings of Carini and use the electronic pen or digital pen to capture the electronic or digital stroke data because it is one of the most simple and effective ways to do so and is exceedingly well known in the art.

11. The system of claim 10 further comprising the processor operative with the logic program to perform:

processing a pre-determined portion of the stroke data corresponding to at least one control string character to determine the form identification data; and

Carini discloses at least one control string character (col. 2, l. 34-61 & col. 6, l. 32-33).

receiving user pen stroke data from at least one data field of the form before processing the strokes in order to determine the form identification data.

Carini (col. 2, l. 34-61).

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12. The system of claim 10 further comprising the processor operative with the logic program to perform:

processing stroke data that satisfies pre-determined criteria to determine the form identification data.

Carini discloses processing stroke data that satisfies pre-determined criteria to determine the form identification data (col. 2, l. 34-61).

13. The system of claim 12 wherein:

the pre-determined criteria includes font criteria.

Carini discloses the height of a character as an aspect of the pre-determined criteria which would constitute font data (col. 6, l. 34).

14. The system of claim 11 wherein:

the pre-determined portion of the stroke data is related to a pre-determined physical portion of the form;

Carini (col. 2, l. 34-61 & col. 6, l. 33-34)

and the form identification data includes a form serial number printed on the form.

Carini (col. 7, l. 26-28)

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15. The system of claim 14 wherein-the form serial number printed on the form includes a dashed font.

Carini discloses the recording of electronic stroke data, which is indicative of a digital pen device (col. 2, l. 18-20) but does not explicitly state an electronic pen. Mattaway however does in fact disclose an electronic pen (8) used to capture the stroke data made on a piece of paper (Fig .2). It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of Mattaway with the teachings of Carini and use the electronic pen or digital pen to capture the electronic or digital stroke data because it is one of the most simple and effective ways to do so and is exceedingly well known in the art.

21. The method of claim 2, wherein:

The user identification data includes pen stroke data.

Disclosed by Carini (col. 2, l. 52-62)

22. The method of claim 2, wherein:

The user identification data includes pen identification data.

The Examiner is taking Official Notice that it is well know in the art that any peripheral device such as a digital pen identify itself to the system using it in order for it to operate, therefore it is inherent or at least obvious that the user identification data include pen identification data in fact all data would include pen identification data.

23. The system of claim 10, wherein:

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The user identification data includes pen stroke data and pen identification data.

See the rejections of claims 21 and 22.

24. A method for processing form input data comprising:

capturing user stroke data from a form including strokes made by a user with a digital pen on a digital paper form;

See the rejection of claims 1 and 2.

processing the strokes in order to determine a subset of the user strokes consisting of form identification data by searching the stroke data for predetermined symbols associated with form identification data;

Carini disclose a subset of all stroke data entered comprising form identification data (col. 2, l. 10-62).

retrieving a form template using the form identification data; and

Disclosed by Carini (col. 2, l. 10-62)

processing the form input data using the form template, wherein the subset of strokes is not located in a fixed location on the digital paper form.

Carini discloses the option that if it was desired for some reason, several locations versus a location could be used as long as the system knew where to look to identify the forms (col. 9, l. 20-24).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Schaffer whose telephone number is (571) 272-0603. The examiner can normally be reached on 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS


JOSEPH MANCUSO
PATENT EXAMINER